

May 16, 2012

John Chamberlin  
Chair  
Arkansas Pollution Control and Ecology Commission  
101 E. Capitol Avenue, Suite 205  
Little Rock, AR 72201

Re: Arkwood, Inc. Superfund site, Boone County  
AFIN: 05-00003, EPA ID# ARD084930148

Dear Mr. Chamberlin,

I write to request that the Commission assist the Arkansas Department of Environmental Quality (ADEQ or Department hereafter) in understanding and performing its role, responsibility and authority with regard to the above-referenced site.

In a letter to ADEQ dated March 19, 2012 (attached,) Superfund Reuse Coordinator, Casey Luckett Snyder writes:

**"EPA concurs that the Arkwood Inc. Superfund site is ready for industrial reuse. The designated representative for the property owner has advised EPA that he is seeking potential purchasers for the Arkwood Inc. Superfund site and EPA supports efforts to bring the site into industrial reuse."**

I request that the Commission assist the Department to respond to Ms. Luckett Snyder's letter, stating ADEQ's corresponding support for the Arkwood industrial reuse effort and indicating what program of actions ADEQ will take to assist with the effort.

In July 1, 2010, I was told by the Department its response to an inquiry I had made:

**"EPA has not delegated regulatory authority to any state for Superfund oversight. EPA and ADEQ do have an agreement detailing how Superfund sites are addressed in Arkansas. EPA will**

**consider ADEQ's opinions with regards to Ready for Reuse determinations for EPA lead or PRP lead sites. Arkwood is a PRP lead site with EPA as the main regulatory authority. As such, all Ready for Reuse issues should be coordinated through EPA."**

In response to further inquiry that day, the Department said:

**"The 'remedial goal' is the same for ADEQ as EPA. The document that sets the remedial goal is the Record of Decision."**

I replied to the department on July 2, 2010

**"I am trying to understand the exact testing scenario wherein the 'remedial goal' for New Cricket Spring will have been met by both EPA and ADEQ standards. In reading the Record of Decision (ROD) dated 09/28/1990 as it appears on the EPA website, the section headed 'The Selected Remedy' part B. 'Groundwater' states in part:**

**'THIS REMEDY WAS SELECTED BECAUSE NEW CRICKET SPRING IS NOT HIGHLY CONTAMINATED, ECOLOGICAL DAMAGE FROM THE SITE IS NOT APPARENT, AND NATURAL ATTENUATION MAY OCCUR QUICKLY FOLLOWING THE REMOVAL OF THE SOURCE OF CONTAMINATION AT THE SITE.'**

**"The abstract for that documents states in part:**

**'THE SELECTED GROUNDWATER REMEDY IS;**  
**\* MONITOR AREA SPRINGS DURING, AND TWO YEARS AFTER THE SOILS REMEDIATION TO DETERMINE THE DEGREE TO WHICH NATURAL ATTENUATION IS TAKING AFFECT,**  
**\* IF PENTACHLOROPHENOL LEVELS ARE ABOVE STATE OF ARKANSAS WATER QUALITY STANDARDS AFTER A POST-REMEDIAL MONITORING PERIOD OF TWO YEARS, ERECT A WATER TREATMENT SYSTEM AT NEW CRICKET SPRING TO TREAT TO STATE OF ARKANSAS WATER QUALITY STANDARDS,**  
**\* TREAT NEW CRICKET SPRING UNTIL LEVELS FALL BELOW STATE STANDARDS.**

- \* MONITOR SELECTED DRINKING WATER WELLS FOR 30 YEARS.**
- \* PROVIDE SELECTED WELL WATER USERS WITH CITY WATER LINES TO REMOVE ANY UNCERTAINTY IN THEIR WATER SUPPLY.'**

**"It does seem to me from reading this portion of the ROD that the 'State of Arkansas water quality standards' for this remedy are the determining measure for attaining the 'remedial goal.'**

**"Could you please clarify for me the actual technical measurement levels (expressed in the same units of measure used in the historical test data contained in the reports you provided me) that would meet 'State of Arkansas water quality standards' so that I may understand how close we are to attaining the remedial goal?"**

To date, ADEQ has not clarified the precise scientific and technical scenario whereby the groundwater remedial goal for the Arkwood site will have been achieved and whereby groundwater remedial operations at the Arkwood site can be terminated.

For an example of systemic departmental non-action: the Department wrote to EPA on April 4, 2011 regarding "changes to the Regional screening levels" for water remediation set by ADEQ for the Arkwood site:

**"In addition, permitting requirements have changed under the State of Arkansas Continuing Planning Process, Updated and Revised January 2000 (CCP). The revised Monthly average should be 17.38 µg/l and the revised Daily Maximum value should be 34.86 µg/l."**

Even though this revision was effective January 2000, the Department did not communicate the new (half as stringent) remedial goal to EPA for more than ten years, and then only after I had questioned the previous standard set by ADEQ. I have other examples of such lapse.

Only after the conclusion of groundwater remedial activity will the Arkwood site be eligible for full deletion from the National Priorities List (NPL,) for which the site is otherwise eligible.

EPA's Carlos Sanchez, Chief Arkansas/Texas Section, Region 6, Superfund Division has already begun exploring with ADEQ the possibility of the Arkwood site's deletion from the NPL.

However, I feel a more coordinated, scientifically rigorous and cooperative effort on the part of ADEQ will be required to achieve an equitable resolution, as the Department must concur with the EPA on any change of status for the Arkwood site.

The Arkwood site has great potential as a transportation hub and locus of industry, situated as it is directly upon the Missouri & Northern Arkansas Railroad (MNAR).

The following officials have shown serious interest in and paid visits to the Arkwood site: Tommy Gibson, General Manager and Anita Horton, Marketing Director, MNAR; Jim O'Donnell, Director, Industrial Development, Railway America, the parent company of MNAR; J. Michael Norton, Executive Director of The Northwest Arkansas Economic Development District, Inc.; and Steve Jones, Building and Sites Coordinator, Arkansas Economic Development Commission.

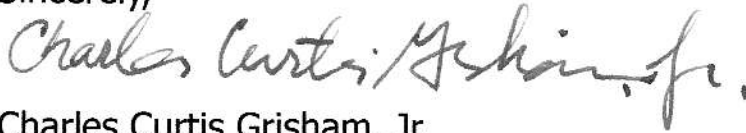
The Arkwood site has languished unused for too long, after having been determined "construction complete" by EPA in 1996.

With coordinated effort between ADEQ and EPA, this important site could soon be returned to productive use, providing jobs for citizens and tax revenue for the State.

I respectfully submit that it would be good public policy and good for the citizens of Arkansas for ADEQ to appoint an authorized senior staff member to work cooperatively and openly with Casey Lockett Snyder, Reuse Coordinator and with Stephen Tzone, Remedial Project Manager, of EPA Region 6 Superfund toward the return of the Arkwood site to productive industrial use.

The contact information for those EPA staff persons on task for Arkwood Superfund site remediation and redevelopment is found below.

Sincerely,



Charles Curtis Grisham, Jr.  
Moss Beach, California AND  
Elba, Arkansas

enclosure:

EPA letter to Clyde Rhodes dated March 19, 2012

Arkwood Superfund Site Contact Information:

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